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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 CODY LEAVITT,

Case No. 2:12-cv-00625-MMD-NJK

9 Petitioner,

ORDER

10 v.

11 DWIGHT NEVEN, et al.,

12 Respondents.

13 This action involves a petition for writ of habeas corpus pursuant to 28 U.S.C. §  
14 2254. Before the Court is petitioner's Motion to Withdraw as Counsel (dkt. no. 40).<sup>1</sup> A  
15 hearing was conducted on the motion and the parties were heard. Counsel for  
16 petitioner advised the Court that the motion to withdraw was based solely on a  
17 scheduling conflict arising from an upcoming 4-6 week trial, which has impacted his  
18 ability to draft the petition within the Court's deadline.

19 Respondents do not object to a temporary stay. Accordingly, the Court finds a  
20 temporary stay should be granted to permit counsel to adequately prepare an amended  
21 petition. Moreover, in light of the amount of work that counsel has devoted to this case  
22 and the fact that new counsel may require even more time to review the case and  
23 prepare the amended petition, the Court finds that good cause exists to grant a stay. All  
24 deadlines are temporarily stayed for a period of five (5) months. The amended petition  
25 is due on August 30, 2013.

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27 <sup>1</sup>Petitioner also has a second action proceeding on a petition for writ of habeas  
28 corpus in which same counsel has been appointed and in which a similar motion has  
been filed. See 2:12-cv-00987-JCM-CWH.

1 IT IS THEREFORE ORDERED that petitioner's Motion to Withdraw as Appointed  
2 Counsel (dkt. no. 40) is DENIED.

3 IT IS FURTHER ORDERED that this action is temporarily STAYED until August  
4 30, 2013.

5 In the meantime, the Clerk shall ADMINISTRATIVELY CLOSE the case.

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7 DATED THIS 27<sup>th</sup> day of March 2013.

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10 MIRANDA M. DU  
11 UNITED STATES DISTRICT JUDGE

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